

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

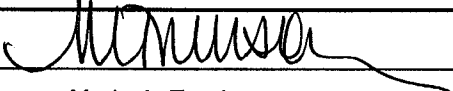
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## REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH*\*

Attorney Docket Number:	C1037.70042US00	Patent Number:	7,605,138
Filing Date (or 371(b) or (f) Date):	July 3, 2003	Issue Date:	October 20, 2009
First Named Inventor:	Arthur M. Krieg		
Title:	NUCLEIC ACID COMPOSITIONS FOR STIMULATING IMMUNE RESPONSES		
<p>PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-<i>WYETH</i> INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).</p> <p>Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-<i>Wyeth</i> interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.</p> <p>Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.</p> <p>*<i>Wyeth v. Kappos</i>, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).</p>			

Signature 	Date	April 16, 2010	
Name (Print/Typed)	Maria A. Trevisan	Registration Number	48,207
<p><i>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.</i></p>			
<input type="checkbox"/> *Total of _____ forms are submitted.			

<p align="center"><b>Certificate of Electronic Filing Under 37 CFR 1.8</b></p> <p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).</p> <p>Dated: April 16, 2010</p> <p align="right">Electronic Signature for Michelle M. Quinn: /Michelle M. Quinn/</p>	
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